

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

EDUARDO VELAZQUEZ,)	
Plaintiff)	
)	
v.)	CIVIL ACTION NO. 03-30249-MAP
)	
CITY OF CHICOPEE, ET AL,)	
Defendants)	

MEMORANDUM AND ORDER REGARDING
PLAINTIFF'S MOTION TO COMPEL AND
NON-PARTY DEPONENT'S MOTION TO QUASH
(Docket Nos. 37 & 40)

October 14, 2004

PONSOR, U.S.D.J.

Counsel for all parties, and for the non-parties subject to potential discovery, appeared before this court on October 12, 2004 for argument on the plaintiff's Motion to Compel and the non-party's Motion to Quash.

After argument, the Motion to Compel (Docket No. 37) is hereby ALLOWED, with the following conditions. On or before October 22, 2004 the Hampden County District Attorney's will convey copies of the fifteen categories of documents specified in its privilege log to the following attorneys: (1) for the plaintiff, Attorneys Neufeld, Bluver and Cornwall; (2) for the defendants, Attorney Edward Pikula. Attorney Pikula will be permitted to distribute copies of his copy of the disclosed material to one attorney for each of the named defendants. Other than the designated attorneys, the material disclosed by the Hampden County District Attorney's office will not be copied or disclosed to any other party without further order of the court.

On or before November 5, 2004, counsel for the plaintiff or counsel for any of the defendants may file a supplemental memorandum in support of the Motion to Compel, indicating which documents, if any, the attorney seeks to use during the discovery and prosecution of this case.

On or before November 19, 2004, counsel for the Hampden County District Attorney's Office may file a supplemental response in opposition to the Motion to Compel, setting forth reasons why the material provisionally disclosed should not be used in the discovery and prosecution of this case.

After receiving these memoranda, the court will issue a further order, indicating precisely which documents may be used substantively in this case.

The Motion to Quash (Docket No. 40) is hereby DENIED, upon the condition that the deposition of Assistant District Attorney Dillon will await the court's final ruling with regard to the documents to be produced (if any) by the Hampden County District Attorney's office, and will take place no later than January 31, 2005.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge